UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>16 July 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-26</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>16 July 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date <u>5/24/2005</u>.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-2, 7, 10-11, 18-20, 22, 24-26 are rejected under 35 U.S.C. 102(b) as

being anticipated by Hite et al. (US 7,213,061).

Regarding claim 1, Hite discloses a control system for controlling external

systems coupled to a local area network, the control system comprising: a control unit

(fig. 1, element 12) coupled to the local area network (fig. 1, element 34; col. 6, lines

63-64), the control unit comprising system control software operative to forward a

tagged external system message that includes a control command to at least one

external system and to receive a tagged external system message that includes status

information back from the at least one external system upon query from the control unit

(col. 1, lines 42-44 – discloses sending and receiving tagged message (messages that

include control commands) from control unit to external system (col. 3, 35-39)); and

a first subscriber station in communication with the control unit, the first

subscriber station operative to interface with the control unit using tagged subscriber

station messages, the tagged subscriber station messages being applicable to a

subscriber interface of the first subscriber station (fig. 1, element 25; col. 3, lines 51-55).

Regarding claim 2, Hite discloses wherein the tagged subscriber station messages are HTML documents (col. 4, lines 29-32).

Regarding claim 7, Hite discloses wherein the system further comprises: a second subscriber station in communication with the control unit, the second subscriber station operative to interface with the control unit using tagged subscriber station messages, the tagged subscriber station messages being applicable to a subscriber interface of the second subscriber station (fig. 8, element 312 – shows multiple subscriber stations (computers) that works with control unit 322 using tagged messages).

Regarding claim 10, Hite discloses a control unit for facilitating the control of external systems, the control unit and the external systems being coupled to a local area network (fig. 1), the control unit comprising:

system control software operative to interface with a first subscriber station using tagged subscriber station messages (col. 3, lines 51-55), the first subscriber station in communication with the control unit through a network (fig. 1), the tagged subscriber station messages being applicable to a subscriber interface of the first subscriber station, the system control software operative to forward a tagged external system message that includes a control command to at least one external system and to receive a tagged external system message that includes status information back from the at least one external system (col. 1, lines 42-44 – discloses sending and receiving tagged message (messages that include control commands) from control unit to external system (col. 3, 35-39)).

Regarding claim 11, Hite discloses wherein the tagged subscriber station messages are HTML documents (col. 4, lines 29-32).

Regarding claim 18, Hite discloses in a control unit coupled to a local area network (fig. 1), a method for controlling external systems coupled to the local area network, the method comprising:

receiving a first signal from a first subscriber station (fig. 6, element 152);

responsive to the first signal, forwarding a tagged subscriber station message to the first subscriber station, the tagged subscriber station message being applicable to the subscriber interface of the first subscriber station (col. 1, lines 42-44 – discloses sending and receiving tagged message (messages that include control commands) from control unit to external system (col. 3, 35-39);

receiving a second signal from the first subscriber station based at least in part on the tagged subscriber station message; and forwarding a tagged external system message that includes a control command to at least one external system based at least in part on the second signal from the first subscriber station (col. 1, lines 42-44 – discloses sending and receiving tagged message (messages that include control commands) from control unit to external system (col. 3, 35-39).

Regarding claim 19, Hite discloses wherein the method further comprises: after forwarding a tagged external system message to the at least one external system, receiving a tagged external system message that includes status information back from the at least one external system (col. 3, lines 23-30).

Regarding claim 20, Hite discloses wherein the method further comprises: responsive to the tagged external system message that includes status information, forwarding a second tagged subscriber station message to the first subscriber station, the second tagged subscriber station message including the status information (col. 3, lines 23-30).

Regarding claim 22, Hite discloses wherein the tagged subscriber station messages are HTML documents (col. 4, lines 29-32).

Regarding claim 24, Hite discloses wherein receiving a first signal comprises: based at least in part on the first signal, determining if the first subscriber station is associated with a subscriber with control access to the at least one external system (col. 7, lines 15-23); and if the first subscriber station is associated with a subscriber with control access, forwarding a tagged subscriber station message to the first subscriber station, the tagged subscriber station message being applicable to the subscriber interface of the first subscriber station(col. 1, lines 42-44); else, forwarding an access-denied signal to the first subscriber station indicating that the first subscriber station is not associated with a subscriber with control access (Inherent, since the function is preformed by utilizing a combination of system ID and device ID).

Regarding claim 25, Hite discloses wherein determining if the first subscriber station is associated with a subscriber with control access comprises: determining a subscriber identification associated with a subscriber using the first subscriber station; and based on the subscriber identification, determining whether the subscriber has control access (fig. 5, col. 7, lines 15-23).

Regarding claim 26, Hite discloses wherein the control unit further comprises:

identifying a subscriber device associated with the first subscriber station (col. 7, lines

15-23); identifying external systems that are subscriber controllable systems based at

least in part on the subscriber device associated with the first subscriber station (col. 7,

lines 15-23); providing display content to the first subscriber station, the display content

including menu content for a set of the subscriber controllable systems (col. 8, lines 10-

19; menu is viewable via computer browser in interface device); and providing display

layout control data to the first subscriber station, the display layout control data being

applicable to the subscriber interface of the first subscriber station (col. 8, lines 10-19;

layout control data is viewable via computer browser in interface device).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 3-4, 12-13, 21, and 23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hite et al. (US 7,213,061).

Regarding claims 3, 12, and 21, Hite discloses the tagged subscriber station

messages in various tagging web based languages (col. 3, lines 57-64).

Hite does not explicitly disclose wherein the tagged subscriber station messages

are XML messages.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hite to use XML tagged messages, so that the programmer can define his own tags in XML message which is not allowable in HTML. The use of old and well known technique such as the use of XML messages (a particular known type of messages) would have been an obvious substitution that does not rise to the level of patentability.

Regarding claims 4, 13, and 23, Hite discloses the tagged external system messages in various tagging web based languages (col. 3, lines 57-64).

Hite does not explicitly disclose wherein the tagged external system messages are XML messages.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hite to use XML tagged messages, so that the programmer can define his own tags in XML message which is not allowable in HTML. The use of old and well known technique such as the use of XML messages (a particular known type of messages) would have been an obvious substitution that does not rise to the level of patentability.

5.   Claims 5-6, 8-9, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hite et al. (US 7,213,061) in view of Humpleman (US 6,198,479).

Regarding claim 5, Hite discloses wherein the control unit further comprises: control unit aggregation means for aggregating control data that facilitates control of at

least two external systems (fig. 2, element 36; shows control of many units such as lighting, HVAC, a/v and etc).

Hite does not explicitly disclose the control data capable of being concurrently displayed on a common screen by the subscriber interface of the first subscriber station.

Humpleman discloses the control data capable of being concurrently displayed on a common screen by the subscriber interface of the first subscriber station (col. 16, lines 61-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hite with teach of Humpleman, to concurrently display control data from multiple system in order to control/watch multiple system at the same time.

Regarding claim 6, Hite discloses wherein the control unit further comprises: means for identifying a subscriber device associated with the first subscriber station (col. 7, lines 15-23); means for identifying external systems that are subscriber controllable systems based at least in part on the subscriber device associated with the first subscriber station (col. 7, lines 15-23); means for providing display content to the first subscriber station, the display content including menu content for a set of the subscriber controllable systems (col. 8, lines 10-19; menu is viewable via computer browser in interface device); and means for providing display layout control data to the first subscriber station, the display layout control data being applicable to the subscriber interface of the first subscriber station (col. 8, lines 10-19; layout control data is viewable via computer browser in interface device).

Regarding claim 8, Hite discloses wherein the control unit further comprises: an aggregation module operative to aggregate control data that facilitates control of at least two external systems (fig. 2, element 36; shows control of many units such as lighting, HVAC, a/v and etc).

Hite does not explicitly disclose the control data capable of being concurrently displayed on a common screen by the subscriber interface of the first subscriber station.

Humpleman discloses the control data capable of being concurrently displayed on a common screen by the subscriber interface of the first subscriber station (col. 16, lines 61-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hite with teach of Humpleman, to concurrently display control data from multiple system in order to control/watch multiple system at the same time.

Regarding claim 9, Hite discloses wherein the control unit further comprises: a subscriber device identification module operative to identify a subscriber device associated with the first subscriber station (col. 7, lines 15-23); a subscriber controllable external systems identification module coupled to the subscriber device identification module and operative to identify external systems that are subscriber controllable systems based at least in part on the subscriber device associated with the first subscriber station (col. 7, lines 15-23); a content module coupled to the subscriber controllable external systems identification module and operative to provide display content to the first subscriber station, the display content including menu content for a

set of the subscriber controllable systems (col. 8, lines 10-19; menu is viewable via

computer browser in interface device); and a layout module coupled to the subscriber

device identification module and operative to provide display layout control data to the

first subscriber station, the display layout control data being applicable to the subscriber

interface of the first subscriber station (col. 8, lines 10-19; layout control data is viewable

via computer browser in interface device).

Regarding claim 14, Hite discloses wherein the control unit further comprises:

control unit aggregation means for aggregating control data that facilitates control of at

least two external systems (fig. 2, element 36; shows control of many units such as

lighting, HVAC, a/v and etc).

Hite does not explicitly disclose the control data capable of being concurrently

displayed on a common screen by the subscriber interface of the first subscriber station.

Humpleman discloses the control data capable of being concurrently displayed

on a common screen by the subscriber interface of the first subscriber station (col. 16,

lines 61-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to modify Hite with teach of Humpleman, to

concurrently display control data from multiple system in order to control/watch multiple

system at the same time.

Regarding claim 15, Hite discloses wherein the control unit further comprises:

means for identifying a subscriber device associated with the first subscriber station

(col. 7, lines 15-23); means for identifying external systems that are subscriber

controllable systems based at least in part on the subscriber device associated with the first subscriber station (col. 7, lines 15-23); means for providing display content to the first subscriber station, the display content including menu content for a set of the subscriber controllable systems (col. 8, lines 10-19; menu is viewable via computer browser in interface device); and means for providing display layout control data to the first subscriber station, the display layout control data being applicable to the subscriber interface of the first subscriber station (col. 8, lines 10-19; layout control data is viewable via computer browser in interface device).

Regarding claim 16, Hite discloses wherein the control unit further comprises: an aggregation module operative to aggregate control data that facilitates control of at least two external systems (fig. 2, element 36; shows control of many units such as lighting, HVAC, a/v and etc).

Hite does not explicitly disclose the control data capable of being concurrently displayed on a common screen by the subscriber interface of the first subscriber station.

Humpleman discloses the control data capable of being concurrently displayed on a common screen by the subscriber interface of the first subscriber station (col. 16, lines 61-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hite with teach of Humpleman, to concurrently display control data from multiple system in order to control/watch multiple system at the same time.

Regarding claim 17, Hite discloses wherein the control unit further comprises: a

subscriber device identification module operative to identify a subscriber device

associated with the first subscriber station (col. 7, lines 15-23); a subscriber controllable

external systems identification module coupled to the subscriber device identification

module and operative to identify external systems that are subscriber controllable

systems based at least in part on the subscriber device associated with the first

subscriber station (col. 7, lines 15-23); a content module coupled to the subscriber

controllable external systems identification module and operative to provide display

content to the first subscriber station, the display content including menu content for a

set of the subscriber controllable systems (col. 8, lines 10-19; menu is viewable via

computer browser in interface device); and a layout module coupled to the subscriber

device identification module and operative to provide display layout control data to the

first subscriber station, the display layout control data being applicable to the subscriber

interface of the first subscriber station (col. 8, lines 10-19; layout control data is viewable

via computer browser in interface device).

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Boldt et al. (US Pub 2004/0039457) Method and Apparatus and Control System

for Controlling Household Appliances

Lilliestraale et al. (WO 99/65192) Application and Communication Platform for Connectivity Based Services

O'Toole et al. (US 6,345,294) Methods and Apparatus for Remote Configuration of an appliance on a Network

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAFIZ E. HOQUE whose telephone number is (571)270-1811. The examiner can normally be reached on M-F Alternate Fridays Off 7:30 - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nafiz Hoque/

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